

**BARBERING AND COSMETOLOGY EXAMINING BOARD  
MINUTES  
MONDAY, SEPTEMBER 14, 2009**

**PRESENT:** Jeannie Bush, Howard Twait, Janice Boeck, Rod Gottfredsen, Jeffrey Patterson, Cheryl Pearse, Laura Ruiz, and Tina Rettler

**EXCUSED:** Susan Kolve-Feehan

**STAFF:** Yolanda McGowan, Bureau Director; Peggy Wichmann, Legal Counsel; Michelle Solem, Bureau Assistant and other DRL Staff.

**GUESTS:** Jan Studesville, Mary Kiley, Mary Kardoskee, Berrin Snyder, Marvin Rushing, Lauri Thomas, JoAnn Schnieder, David Barnes, Alex Riley, Melissa Brainerd, Barb Arnold, Lisa Choinard, Julie Stubenrauch, Floretta Harris, Brittney Cardarella, Heidi Hoogstra, Lorenzo Brown, Kathy Schauer, Sandra Brietzman, Hafeeza Ahmad, Patrice Cherny, D'Angela Turner, Tosha Berg, Chelsey Gaines, Kylee Goetzke, Melissa Kinas, Kameliya Dyarora, Angla Buus, Malari Nordness, Joellen Kraus, Kimi Frost, Brittany Williams, Julian Thomas, Romain Horne, Tanya King, Mary Cornell, David Hanson, Geraldine Nash, Dennis Overson, Melissa Simon, Brooke Frasier, Anica Henkel, Isabel Rice, Vanessa Castro, Ashley Wilke, Theresa Stefanoski, Lashawna Escobedo, Laura Mack, Ashley Trimble, Kim Buocik, Terry Moss, Malerie Tennant, Brittany Schoenenberger, Emily Kopplin, Ashley Kerlin, Sara Burggraf, Gerald Williamson and Dion Puzon, Jr.

**CALL TO ORDER**

Chair Jeannie Bush called the meeting to order at 9:37 a.m. A quorum of 8 members was present.

**APPROVAL OF AGENDA**

**Amendments to the Agenda**

Add AB 45 after F, label as "F2". This bill relates to domestic abuse training.

**MOTION:** Jeff Patterson moved, seconded by Rod Gottfredson, to approve the Agenda as amended. Motion carried unanimously.

**APPROVAL OF MINUTES OF JUNE 1, 2009**

**Corrections to the Minutes**

None.

**MOTION:** Janice Boeck moved, seconded by Howard Twait, to approve the Minutes of June 1, 2009 as published. Motion carried unanimously.

## **ADMINISTRATIVE REPORT**

Yolanda McGowan introduced Secretary Jackson. Secretary Jackson updated the Board about the status of the upcoming summit. The summit will be held next year, most likely in southeastern Wisconsin.

Ms. McGowan reminded those in attendance to turn off blackberries and other like devices and to speak clearly and keep the microphones clear of papers. She further asked everyone to be mindful that the next board meeting is in Racine. Thereafter, she introduced Michelle Solem as the new Bureau director and the retirement of Peggy Wichmann as Legal Counsel. She asked that the Board consider the memo from Rebecca McAtee and submit frequently asked questions and practice questions to both Ms. McGowan ([Yolanda.mcgowan@wisconsin.gov](mailto:Yolanda.mcgowan@wisconsin.gov)) and Megan Hummel ([megan.hummel@wisconsin.gov](mailto:megan.hummel@wisconsin.gov)).

### **Election of Officers**

Ms. McGowan informed the Board of the global board chair training scheduled for December 3<sup>rd</sup> and 4<sup>th</sup>, the reason elections are being held today.

### **ELECTION OF OFFICERS FOR 2009**

**NOMINATION:** Rod Gottfredsen nominated Jeannie Bush as Chair, Jeffrey Patterson as Vice-Chair, and Janice Boeck as Secretary.  
Nominated parties were elected by unanimous vote.

### **SUMMARY REPORTS ON PENDING COURT CASES, DISCIPLINARY CASES AND ADMINISTRATIVE RULES AND PRESS RELEASES**

Noted.

### **PRESENTATION OF PROPOSED STIPULATIONS, FINAL DECISIONS AND ORDERS**

No presentations were made.

### **LEGISLATION/ADMINISTRATIVE RULES**

#### **Public Hearing on Proposed Administrative Rules relating to Renewal, Reinstatement of License and Continuing Education**

Jeannie Bush read the legal notice regarding the public hearing. The following comments were made by the members of the public.

Lauri Thomas (Alexander Thomas Academy of Skin Care) asked for clarification on the classes that will be approved under 11.02 (b)(2). Peggy Wichmann told the Board that the program

belongs to the person presenting so if the school brings in a presenter, the presenter must obtain approval from the examining board.

Kathy Schauer (WCTC) stated that 11.01(2)(a) contradicts paragraph 3 on page 3 of the notice of public hearing.

Eileen Bouchard – e-mail. 11.02(2)(a) should be changed to say “approved by the board or department” unless the board or department is presenting the law portion of the continuing education hours. She also questioned whether professional organizations included product manufacturers and suppliers.

Cindy Peckenpaugh – e-mail. She suggested that the CE requirements for the 2011 renewal are unfair because of the length of time available to complete the requirements and the ability to find approved courses. She asked if the Department will split the licensees in half to avoid scrambling for credits.

Liza Larson – e-mail. She stated that the Minutes reflect criteria for the law classes. Please clarify who may teach the required law continuing education classes to Barbering and Cosmetology licensees.

Julie Stubenrauch – submitted written comments that were not read into the record.

### **Review of BAC Chapter 7 on Examinations Rule Draft Revisions**

Peggy Wichmann told the Board that chapter 7 was reviewed to clean it up, and during that review, several issues were discovered. In 7.04, she changed language so that when a rule applied to all professions, it was stated as such.

Susan Bird indicated that we need to change the rules because the Department no longer administers exams. Since the vendors handle the reviews (appeals), the rules need to be changed to reflect the change in exam administration. Tina Rettler expressed a preference to test competencies in subjects so it would be appropriate to use both terms in the administrative rule. The passing score (as a number) will not be listed in the rule, thus allowing the Board to change the score without going through the rule change process.

**MOTION:** Rod Gottfredsen moved, seconded by Janice Boeck, to accept as amended and to authorize Jeannie Bush to provide final approval on behalf of the Board. Motion carried unanimously

### **Update on and Prioritize Outstanding Rules Projects**

Yolanda McGowan asked the Board to prioritize their rule writing due to the upcoming change in legal counsel. Peggy indicated that she would be working on the sanitation and the medical delegation rule prior to her retirement. While the rules might not be complete, the framework will be there. Yolanda explained that we expect to complete 2.025, CE, BC7 and framework for sanitation prior to Peggy's retirement.

As part of this topic, the Board discussed its responsibility to protect the public whether the licensee is accepting money for their services or not, and queried how other states address entities such as community based residential facilities, hospitals, prisons, nursing homes, etc.) Jeannie Bush suggested that we deal with unlicensed practice as the rule changes go forward.

### **Update on Senate Bill 168 Relating to Supervision of Apprentices**

Legislation has been drafted and introduced to allow licensed practitioners, not just managers, to supervise apprentices. A practitioner having 2000 hours and holding a valid license would be able to supervise an apprentice. Only employees can train apprentices; a booth renter is a manager, but is not allowed to manage others apprentices, but could have an apprentice of their own. Hafeeza Ahmad from DWD indicated that more information is available in the State Standards for Apprentices.

### **AB 45**

A Bill dealing with domestic violence training for Barber/Cosmetology licenses has been introduced, but it is doubtful that it will be passed. There was discussion about counting domestic violence courses as approved courses for CE.

## **REGULATION/ENFORCEMENT ISSUES**

### **Fish Pedicures: Correspondence from WI Senator, Jim Sullivan**

Candice Bloedow and Angela Arrington, both of the Division of Enforcement, informed the Board that fish pedicures are not allowed by current law. Current rules indicate that the implement must be sanitized between clients, and there is not a way to disinfect the fish without killing them.

There is also an issue with the Department of Natural Resources and disposal of these exotic species of fish due to the introduction of exotic species into the state natural resources.

There are already 16 states that have made an express statement to the public to disallow fish-skin treatment due to public safety concerns. However, this matter will be readdressed in the first meeting of 2010, giving the DOE an opportunity to continue researching to see if this is something that could be reconsidered.

### **DOE Request for Delegation of Authority Related to Certain Screening Functions**

Jack Zweig and Dennie Peterson, Division of Enforcement, updated the Board on the 18-month project. He indicated that it is the goal of this project to refine the system of processing complaints so that most all cases will be resolved within 18 months without sacrificing quality. They asked the case advisors to continue to respond promptly with answers to questions posed by DOE.

Mr. Zweig also asked the Board to consider granting the DOE staff authorization to screen out complaints that virtually never result in disciplinary action without presenting them to the screening panel. Categories identified in the Barber/Cosmetology profession include the following:

- Anonymous complaints that do not allege danger to the public do not provide evidence to support the allegations or do not provide information which can be used to follow up on the allegations.
- Complaints of events that occurred more than a year ago and did not involve serious harm.
- Operating while intoxicated convictions that do not relate to the profession.
- Contract disputes between employee and employer.
- Rudeness by the licensee.
- Billing or money issues, except fraud.

**MOTION:** Rod Gottfredsen moved, seconded by Laura Ruiz, to delegate to DOE the authority to screen the type of cases described in the August 20, 2009, memo by Marvin Robinson. Motion carried unanimously.

## **MISCELLANEOUS CORRESPONDENCE/INFORMATION**

### **UPDATE FROM SANITATION COMMITTEE**

Jeannie Bush reported that the Sanitation Committee met this morning. The Sanitation Committee decided that technicians should be required to wear gloves when performing procedures relating to threading, facials and waxing. It was also decided that the thread should at no time be in the mouth of the practitioner. The Sanitation Committee also discussed having separate chapters for each category of license to make it clear which rules apply to which license.

## **PRACTICE ISSUES**

### **▪ Discussion related to Working Outside of a Licensed Establishment**

Susan Kolve-Feehan was excused today. Jeannie Bush asked that this item be tabled to the next meeting when Ms. Kolve-Feehan is present.

### **▪ Discussion Related to Injury Reports**

Janice Boeck will provide a report at the next meeting

### **▪ Discussion Related to Regulation of Hair Braiders, DOE Attorney Angela Arrington**

Angela Arrington (DOE Attorney) distributed a handout that outlined the requirements for licensure of hair braiders in other states. She indicated that hair braiding would fall under the jurisdiction of the Barber and Cosmetology Examining Board. The issue of regulation of Hair Braiders will be further addressed at a later meeting.

## **TRAVEL**

Due to short notice, no members are able to attend the National-Interstate Council of State Boards of Cosmetology, Inc. (NIC) meeting in September 2009. A request was made to submit any additional conference opportunities to Yolanda McGowan for inclusion and consideration in a future agenda should they fall within the departmental guidelines for travel.

## **CONVENE TO CLOSED SESSION**

**MOTION:** Janice Boeck moved, seconded by Tina Rettler, to convene to closed session to deliberate on cases following hearing (s. 19.85(1) (a), Stats.; consider closing disciplinary investigation with administrative warning (s. 19.85(1)(b), Stats. and 440.205, Stats., to consider individual histories or disciplinary data (s. 19.85 (1)(f), Stats.; and, to confer with legal counsel (s. 19.85(1)(g), Stats.). Roll Call Vote: Jeannie Bush – yes; Janice Boeck – yes; Jeffrey Patterson – yes; Tina Rettler – yes; Laura Ruiz – yes; Howard Twait – yes; Rod Gottfredsen- yes; Cheryl Pearse - yes. Motion carried unanimously.

Open Session recessed at 12:57 p.m.

Tina Rettler left the meeting at 1:55 p.m.

## **RECONVENE IN OPEN SESSSION**

**MOTION:** Howard Twait moved, seconded by Janice Boeck, to reconvene in open session. Motion carried unanimously.

Open session reconvened at 1:15 p.m.

## **VOTING ON ITEMS CONSIDERED/DELIBERATED IN CLOSED SESSION**

### **MONITORING**

### **REESASUE L. PIEPER**

**MOTION:** Laura Ruiz moved, seconded by Jeffery Patterson, to deny the stay, but the licensee may re-petition the board for a stay after 3 negative toxicology screens for alcohol in a one month period preceding the petition have been

submitted to the Board. The Board's designee may issue an order granting a stay. Motion carried unanimously.

Jeannie Bush appointed Cheryl Pearse as the Board's monitoring liaison.

### **CASE CLOSINGS**

**MOTION:** Jeffrey Patterson moved, seconded by Cheryl Pearse, to approve close case closings and citations 07 BAC 015, 07 BAC 021, 07 BAC 031, 07 BAC 133, 07 BAC 135, 07 BAC 149, 07 BAC 243, 08 BAC 003, 08 BAC 017, 08 BAC 090, 08 BAC 148, 08 BAC 186, 08 BAC 204, 08 BAC 206, 08 BAC 241, 09 BAC 007, 08 BAC 257, 09 BAC 018, 09 BAC 018, 09 BAC 034 and 09 BAC 050 according to recommendations by the Division of Enforcement. Motion carried unanimously.

### **PROPOSED STIPULATIONS**

**MOTION:** Howard moved, seconded by Cheryl, to accept the Stipulations, Findings of Facts, Conclusions of Law and Orders in the matters concerning Caitlin Stublaski 07 BAC 217; Stephanie J. Kyles, 07 BAC 239; Tangles 07 BAC 239; Bichyen T. Tran & Steel Magnolias Body Salon & Spa 08 BAC 091; Michelle L. Hartwig 08 BAC 092; Robin J. Paul 08 BAC 092; Cristina J. Rinaldi and The Buzz Hair Design 08 BAC 092; Steven T. Pham and Regal Nails 09 BAC 008; Colleen M. Kloske 09 BAC 012; and Amy J. Wellens 09 BAC 20. Motion carried unanimously.

### **DELIBERATION ON THE PROPOSED DECISION OR ANY SIGNED AFTER PRINTING OF AGENDA**

**MOTION:** Janice Boeck moved, seconded by Cheryl Pearse, to accept the proposed decision in the case against Salon Ambiance, LS0901293BAC. Motion carried unanimously.

**MOTION:** Janice Boeck moved, seconded by Cheryl Pearse, to issue administrative warning in the cases 08BAC90 C.P.F. and 08 BAC 90 M.M.O. Motion carried unanimously.

**MOTION:** Janice Boeck, seconded by Jeffrey Patterson, to grant the Department the authority to approve applications for a threading establishment pursuant to the criteria already in place. Motion carried unanimously.

### **ADJOURNMENT**

**MOTION:** Rod Gottfredsen moved, seconded by Cheryl Pearse, to adjourn the meeting. Motion carried unanimously.

The meeting adjourned at 2:31 p.m.